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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TECH CENTER 1800/2900

Applicant: James Chen  
Serial No.: 10/091,144  
Filed: March 4, 2002  
For: **USE OF PHOTOLUMINESCENT  
NANOPARTICLES FOR  
PHOTODYNAMIC THERAPY**  
Art Unit: 1615

I hereby certify that this paper and the attached  
papers are being deposited with the United  
States Postal Service as first class mail in an  
envelope addressed to:  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202, on this date.

08/30/02  
Date

Kimila Carraway  
Kimila Carraway

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Under **DOMESTIC PRIORITY DATA AS CLAIMED BY APPLICANT**, please insert the  
following **CORRECTED** Priority Information:

--THIS APPLICATION CLAIMS BENEFIT TO 60/272,877 03/02/2001  
**AND CLAIMS BENEFIT TO 09/798,277 03/02/2001, WHICH APPLICATION  
WAS CONVERTED TO A PROVISIONAL APPLICATION ON 02/26/2002--**

Applicants hereby submit the following documents for which issuance of a  
Corrected Filing Receipt is respectfully requested in the above application:

- 1) Copy of Response to Request for Corrected Filing Receipt, mailed May 29,  
2002;
- 2) Copies of return postcard and Transmittal of Utility Application Under 37  
C.F.R., Section 1.53, submitting Utility Application and copy of Petition to  
Convert Non-Provisional Application to Provisional Application, sent via  
Express Mail on March 4, 2002;

- 3) Copies of return postcard, check in the amount of \$50.00, Transmittal Letter, Petition to Convert Non-Provisional Application to Provisional Application and page 1 of specification, sent via Priority Mail on February 26, 2002;
- 4) Copy of Updated Filing Receipt with corrections noted thereon.
- Applicants respectfully request that this error be corrected and Applicants be provided a new Official Filing Receipt.

- ☒ The Commissioner is hereby authorized to charge any fee, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP.

By: \_\_\_\_\_

Stephanie Seidman  
Registration No. 33,779

SLS:kcc

Attorney Docket 25886-0066B

**Address all correspondence to:**

HELLER EHRMAN WHITE & McAULIFFE LLP.

4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

E-mail: sseidman@HEWM.com



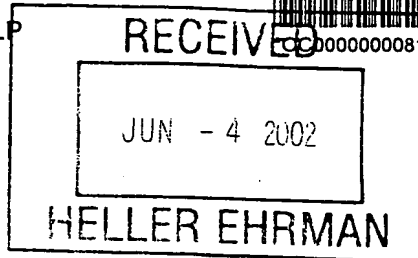
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

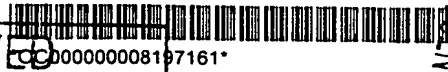


APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/091,144	03/04/2002	James Chen	25886-0066B

Stephanie Seidman  
Heller Ehrman White & McAuliffe LLP  
7th Floor  
4350 La Jolla Village Drive  
San Diego, CA 92122



CONFIRMATION NO. 769



0000000008197161\*

Date Mailed: 05/29/2002

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RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 USC 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**

*Nancy Brannon*

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Customer Service Center,  
Office of Initial Patent Examination  
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THE STAMP OF THE U.S. PATENT AND TRADEMARK OFFICE  
AFFIXED HERETO WILL BE EVIDENCE OF RECEIPT OF THE  
FOLLOWING (SENT VIA EXPRESS MAIL, LABEL NO.  
EL870637428US) ON March 4, 2002

Client No.: 25886-0066BSLS/DLR:rhj  
Enclosures: Transmittal of Utility Application Under 37  
CFR §1.53 (in Duplicate); Fee Transmittal  
Form (in Duplicate); Specification containing  
55 pages including 136 claims and 1-Pg.  
Abstract; Copy of Petition to Convert Non-  
Provisional Application to Provisional  
Application; 8 Sheets of Drawings (informal)  
with 12 Figures 1-8B; Check in amount of  
\$1,750.00; and Return Postcard

Applicant(s): Chen Filed: March 4, 2002  
For: USE OF PHOTOLUMINESCENT  
NANOPARTICLES FOR PHOTODYNAMIC  
THERAPY

DOCKETED

JCS 99 U.S. PTO  
10/091144





<b>TRANSMITTAL OF UTILITY APPLICATION UNDER 37 C.F.R. §1.53</b>	Attorney Docket No.	25886-0066B
	First named inventor	James Chen
	Express mail label #	EL870637428US
	Date of mailing	March 4, 2002
<b>Application Elements</b>		<b>Accompanying Application Papers</b>
1. <input checked="" type="checkbox"/> Fee Transmittal Form		6. <input type="checkbox"/> Assignment
2. <input checked="" type="checkbox"/> Specification containing <u>55</u> pages (including claims and Abstract).		7. <input type="checkbox"/> Preliminary Amendment
a. Title: USE OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY		8. <input checked="" type="checkbox"/> Return Receipt Postcard
b. Number of claims: <u>136</u>		<b>RECEIVED</b> DEC 04 2002 TECH CENTER 1600/2900
3. <input checked="" type="checkbox"/> <u>8</u> sheets of drawings with <u>8</u> Figs.		
4. <input type="checkbox"/> Unexecuted Declaration listing names of joint inventors		
5. <input type="checkbox"/> Sequence Listing		
<input type="checkbox"/> Paper copy (identical to computer copy)		<b>SIGNATURE OF ATTORNEY/AGENT</b> HELLER EHRMAN WHITE & McAULIFFE LLP  Dale L. Rieger Registration Number: 43,045
<input type="checkbox"/> Computer readable copy		
<input type="checkbox"/> Verified statement		
[X] Benefit of priority claimed under 35 U.S.C. §119(e) to U.S. provisional application Serial No. 60/272,877, filed March 2, 2001; and under 35 U.S.C. §119(e) to U.S. application Serial No. 09/798,277, filed March 2, 2001, which application was converted to a provisional application on February 26, 2002 (copy of petition enclosed).		
<b>CORRESPONDENCE ADDRESS</b>		
NAME	Stephanie Seidman Registration No. 33,779 Heller Ehrman White & McAuliffe LLP	
Address	4350 La Jolla Village Drive, 7th Floor, San Diego, CA 92122	
	Telephone: 858/450-8400	Facsimile: 858/587-5360



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THE STAMP OF THE U.S. PATENT AND TRADEMARK  
OFFICE AFFIXED HERETO WILL BE EVIDENCE OF RECEIPT  
OF THE FOLLOWING (SENT VIA FIRST CLASS PRIORITY  
MAIL) ON February 26, 2002

Client No.:	25886-P0066B SLS/DLR:rhj
Enclosures:	Transmittal Letter (in Duplicate); Petition to Convert Non-Provisional Application to Provisional Application; Power of Attorney by Assignee and Certificate under 37 CFR 3.73(b); Check in amount of \$50.00; and Return Postcard
Applicant(s):	Chen <i>et al.</i>
Serial No.:	09/798,277
Filed:	03/02/01
For:	NOVEL USES OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY

Client / Matter	Date	Description	Amount
886-0066	02/26/2002	04	\$50.00



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 CHECK AMOUNT: \$50.00

**HellerEhrman**  
ATTORNEYS

Heller Ehrman White & McAuliffe LLP  
 4250 Executive Square, 7th Floor  
 La Jolla, CA 92037-9103

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1-8  
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Check Date: 02/26/2002

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COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$2,500.00

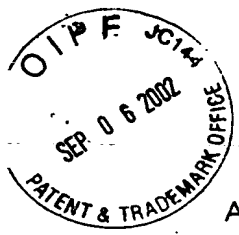
TO  
 THE  
 ORDER  
 OF  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, DC 20231

*Richard J. Gordon*

AUTHORIZED SIGNATURE

022789 12100035811499005472





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen

Serial No.: 09/798,277

Filed: March 2, 2001

For: NOVEL USES OF PHOTOLUMINESCENT  
NANOPARTICLES FOR PHOTODYNAMIC  
THERAPY

Art Unit: 1619

Examiner: Unassigned

I hereby certify that this paper and the attached  
papers are being deposited with the United  
States Postal Service as first class mail in  
envelope addressed to:

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231, on this date.

02/26/02  
Date

*Rita Jennings*  
Rita Jennings

TRANSMITTAL LETTER

Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Dear Sir:

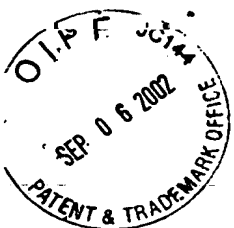
Transmitted herewith are a Petition to Convert a Non-Provisional Application to a Provisional Application under 37 CFR 1.53(c)(2), a Power of Attorney by Assignee and Certificate under 37 CFR 3.73(b), and a check for the requisite fee for the Petition (\$50) for filing in connection with the above-identified application.

- ☒ The Commissioner is hereby authorized to charge any fee, including the fee for the petition and extension of time and additional claims or excess independent claims, that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP

By: \_\_\_\_\_  
Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No. 25886-P0066B  
Address all correspondence to:  
Stephanie Seidman, Esq.  
HELLER EHRMAN WHITE & McAULIFFE LLP  
4350 La Jolla Village Drive, 7th Floor  
San Diego, California 92122  
Telephone: 858/450-8400  
Facsimile: 858/587-5350  
E-MAIL: sseidman@hewm.com



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen  
Serial No.: 09/798,277  
Filed: March 2, 2001  
For: NOVEL USES OF PHOTOLUMINESCENT  
NANOPARTICLES FOR PHOTODYNAMIC  
THERAPY  
Art Unit: 1619  
Examiner: Unassigned

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papers are being deposited with the United  
States Postal Service as first class mail in an  
envelope addressed to:

Commissioner for Patents  
Box DAC  
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02/26/02  
Date

  
Rita Jennings

PETITION TO CONVERT NON-PROVISIONAL APPLICATION TO PROVISIONAL  
APPLICATION  
(37 C.F.R. §1.53(c)(2))

Commissioner for Patents  
BOX DAC  
Washington, D.C. 20231

Dear Sir:

Applicant hereby petitions under 37 C.F.R. §1.53(c)(2) to convert the above-referenced application, filed under §1.53(b), to a provisional application. This Petition is made prior to the expiration of 12 months after the filing date of the §1.53(b) application and also prior to the abandonment of the §1.53(b) application. A check including the Petition fee (\$50, 37 C.F.R. 1.17(q)) for the conversion to a provisional application is enclosed.

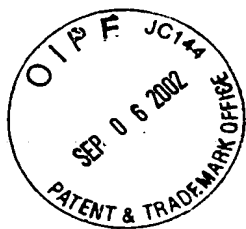


The Commissioner is hereby authorized to charge any fee, including that submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP

By: \_\_\_\_\_  
Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No.: 25886-P0066B  
Address all correspondence to:  
Stephanie Seidman, Esq.  
HELLER EHRMAN WHITE & McAULIFFE LLP  
4350 La Jolla Village Drive, 7th Floor  
San Diego, California 92122  
Telephone: 858/450-8400  
Facsimile: 858/587-5360  
e-mail: sseidman@hewm.com



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25886-00666  
DEC 04 2002  
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## USE OF PHOTOLUMINESCENT NANOPARTICLES FOR PHOTODYNAMIC THERAPY

### RELATED APPLICATIONS

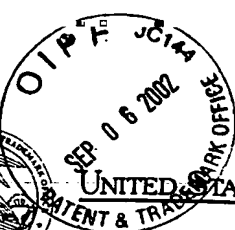
- Benefit of priority under 35 U.S.C. 119(e) is claimed to U.S. provisional application Serial No. 60/272,877, filed March 2, 2001, to Chen, entitled "NOVEL USES OF PHOTOLUMINESCENT
- 5 NANOPARTICLES FOR PHOTODYNAMIC THERAPY;" and to U.S. application Serial No. 09/798,277, filed March 2, 2001, and converted to a provisional application on February 26, 2002, serial number unavailable, to Chen, entitled "NOVEL USES OF PHOTOLUMINESCENT
- 10 NANOPARTICLES FOR PHOTODYNAMIC THERAPY." The disclosures of the above-referenced applications are incorporated herein by reference in their entirety.

### FIELD OF THE INVENTION

- The invention relates generally to photodynamic therapy (PDT), and more specifically to illumination systems, compositions and methods of
- 15 using light-emitting nanoparticles to activate photosensitive compounds at the target site for PDT.

### BACKGROUND

- PDT is a form of energy-activated therapy for destroying abnormal or diseased tissue. The procedure for this treatment includes
- 20 administration of a photosensitive compounds (a PDT drug) to a patient, followed by illumination with light having a wavelength or waveband corresponding to a characteristic absorption wavelength of the photosensitive compound. Upon illumination, the photosensitive compound absorbs photons from the light source and transfers this
- 25 energy to surrounding oxygen molecules. This in turn induces formation of singlet oxygen and other highly-reactive free radical species, leading to a number of biological effects, including damages to proteins, nucleic acids, lipids, and other cellular components, and often ultimately results in cell death.



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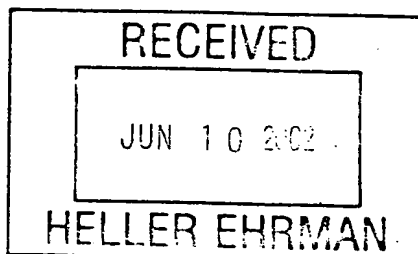
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/091,144	03/04/2002	1615	1824	25886-0066B	8	137	11

Stephanie Seidman  
 Heller Ehrman White & McAuliffe LLP  
 7th Floor  
 4350 La Jolla Village Drive  
 San Diego, CA 92122



CONFIRMATION NO. 7692

UPDATED FILING RECEIPT



\*OC000000008231265\*

Date Mailed: 06/04/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

James Chen, Bellevue, WA;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/272,877 03/02/2001

## Foreign Applications

AND CLAIMS BENEFIT TO 09/798,277 03/02/2001 WHICH APPLICATION WAS CONVERTED TO A PROVISIONAL APPLICATION ON 02/26/2002

If Required, Foreign Filing License Granted 04/16/2002

Projected Publication Date: 09/12/2002

N n-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Use of photoluminescent nanoparticles for photodynamic therapy

Preliminary Class

424

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**LICENSE FOR FOREIGN FILING UNDER**  
**Titl 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).